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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE SOUTHERN DISTRICT OF CALIFORNIA
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11 **Jowell Finley,**

12 Plaintiff,

13 **v.**

14 **A. De La Trinidad et al.,**

15 Defendants.
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Case No. 11cv2318 JLS (PCL)

ORDER DENYING MOTION
FOR APPOINTMENT OF
COUNSEL (Doc. 17);

ORDER DENYING AS MOOT
MOTION FOR PRETRIAL
CONFERENCE (Doc. 20); AND

ORDER GRANTING MOTION
FOR COPY OF LOCAL RULES
(Doc. 21).

20 **MOTION FOR APPOINTMENT OF COUNSEL**

21 Plaintiff Jowell Finley is a state prisoner proceeding pro se pursuant to 42 U.S.C. § 1983.
22 (Doc. 1.) Plaintiff filed a motion for appointment of counsel pursuant to 28 U.S.C. § 1915(e)(1).
23 (Doc. 17.)

24 Section 1915(e)(1) provides that “[t]he court may request an attorney to represent any
25 person unable to afford counsel.” However, the court may appoint counsel under Section
26 1915(e) only under “exceptional circumstances.” Wilborn v. Escalderon, 789 F.2d 1328, 1331
27 (9th Cir. 1986) (citation omitted). “A finding of exceptional circumstances requires an
28 evaluation of both the likelihood of success on the merits and the ability of the petitioner to
articulate his claims pro se in light of the complexity of the legal issues involved. Neither of

1 these factors is dispositive and both must be viewed together before reaching a decision on
2 request of counsel under section 1915[e].” Id. (citations and internal quotations omitted).

3 Here, Plaintiff argues that he is entitled to appointed counsel because he is indigent and
4 he has only a high school education without a proficient grasp of the laws involved in his case.
5 (Doc. 17, at 1-3.) However, these reasons do not amount to exceptional circumstances entitling
6 Plaintiff to a court-appointed attorney. Thus, Plaintiff’s motion for appointment of counsel is
7 **DENIED** without prejudice.

8 **MOTION FOR PRETRIAL CONFERENCE**

9 Plaintiff filed a motion for pretrial conference. (Doc. 20.) However, the motion is
10 DENIED as moot. The Court has already set a Case Management Conference set for April 24,
11 2012 at 10:00 a.m.

12 **MOTION FOR COPY OF LOCAL RULES**

13 Plaintiff filed a motion for a copy of the local rules. (Doc. 21.) The Court hereby
14 GRANTS the motion. The Clerk of the Court is ordered to send Plaintiff a copy of the local
15 rules.

16 IT IS SO ORDERED.

17 DATE: April 3, 2012

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20 U.S. Magistrate Judge
21 United States District Court

22 cc: The Honorable Sammartino
23 All Parties and Counsel of Record
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